

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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Mordechai BEN-ASHER,
A040-142-629
Plaintiff,

Civil Action No.
1:07-cv-03121-LAK

-against-

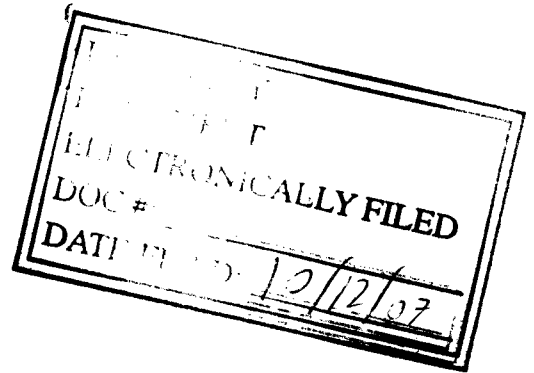
Michael CHERTOFF,
Secretary, Department of Homeland Security,

Mary Ann Gantner,
District Director, U.S. Citizenship and
Immigration Services, New York City District

Alberto GONZALES,
Attorney General of the United States

United States Citizenship and
Immigration Services,

Defendants.



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STIPULATION TO WITHDRAW WITHOUT PREJUDICE

1. The parties to this matter hereby stipulate that this matter shall be and hereby is **withdrawn without prejudice** and without costs or attorneys fees.
2. If Petitioner does not move to reinstate this matter, or request an extension of time to so move, within 60 days from the date that this Stipulation is So Ordered by this Court, the matter shall be deemed **withdrawn with prejudice**.

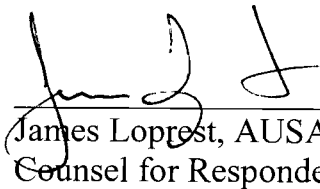
3. If Petitioner intends of moving to reinstate within the proscribed time period, Petitioner shall provide counsel for Respondents at least ten days advanced notice, when feasible.

Signed and agreed to by:



Joshua Bardavid
Counsel for Petitioner

September 27, 2007
New York, New York



James Loprest, AUSA
Counsel for Respondent

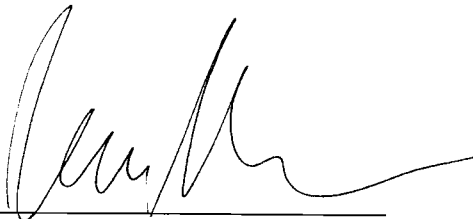
September 27, 2007
New York, New York

ORDER

The above-signed Stipulation shall be entered as an Order of this Court.

Dated:

9/28/07



Hon. Lewis A. Kaplan
U.S. District Judge